

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TRUSTEES OF THE INSULATORS	:	CIVIL ACTION NO. 1:18-CV-537
LOCAL NO. 23 ANNUITY, PENSION,	:	
AND HEALTH AND WELFARE	:	(Chief Judge Conner)
FUNDS, AND THE JOINT	:	
APPRENTICE TRAINING	:	
COMMITTEE, LOCAL 23,	:	
ASBESTOS WORKERS,	:	
	:	
Plaintiffs	:	
	:	
v.	:	
	:	
LOSHAW THERMAL	:	
TECHNOLOGY, LLC, MARCI	:	
BITTNER, and WENDY BITTNER,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 7th day of May, 2019, upon consideration of the parties' cross-motions (Docs. 20, 26) for summary judgment, and the briefs in support of and in opposition to said motions, and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. Defendants' motion (Doc. 20) for summary judgment is GRANTED to the extent that plaintiffs cannot sustain claims before this court under the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. § 1001 *et seq.*, for recovery of delinquent benefits contributions or for breach of fiduciary duty when those claims are based on an expired collective bargaining agreement and there is no evidence of an employer promise to pay.
2. Plaintiffs' motion (Doc. 26) for summary judgment is DENIED.

3. The Clerk of Court is DIRECTED to enter judgment in favor of defendants and against plaintiffs as set forth in paragraph 1 above.
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania